

United States District Court

SEP - 1 2020

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Benjamin Rosa

PRINCIPAL

United States

Case Number:

YOB: 1962

M-20-1697-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 31, 2020 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Junior Alexander Mendez-Lopez, and Alejandro Coc-Tupil, citizens and nationals of Guatemala, along with one (1) other undocumented alien, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas, to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Border Patrol Agent and that this complaint is based on the following facts:

On August 31, 2020, Border Patrol agents conducted surveillance on a residence in Roma, Texas referenced as a house containing illegal aliens in a previous alien smuggling event. During surveillance, agents witnessed a black Chevrolet Silverado arrive at the residence and two (2) passengers, each carrying a plastic bag that resembled fast food, exit the Silverado and run into the residence. The Silverado left the residence and was seen pulling into a handicap parking space of a grocery store approximately one-half mile away.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Complaint authorized by AUSA Scott Greenbaum

/s/ Amber R. Peterson

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P.4.1, and probable cause found on:

Signature of Complainant

Amber R. Peterson Border Patrol Agent

Printed Name of Complainant

September 1, 2020
Date

5:48 p.m.

at McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-20-1697 -M

RE: Benjamin Rosa

CONTINUATION:

A Roma Police Officer parked behind the Silverado and activated his emergency lights in reference to the vehicle being parked in a handicap space without handicap signage displayed on the vehicle. The officer approached the driver of the vehicle, later identified as Benjamin Rosa, after exiting the grocery store to inform him of the violation. Border Patrol agents also arrived at the business location, and thereafter, questioned Rosa as to his citizenship and routes of travel. Rosa was identified as a United States Citizen and claimed he had traveled from his home to another store before arriving at this location. Rosa's account of his whereabouts were inconsistent with the agent's observation since they witnessed him dropping off two (2) subjects at the residence. At this time Rosa was Mirandized and agents continued their questioning.

These inconsistencies were relayed to the agents conducting surveillance at the residence. Additional Roma Police Officers and Border Patrol Agents approached the door and identified themselves as law enforcement as they conducted a knock and talk at the residence. One male subject, later identified as Junior Alexander Mendez-Lopez, answered the door and exited the residence. Agents conducted an immigration inspection and Mendez was determined to be illegally present in the United States. Mendez told officers that two (2) additional subjects, also illegal, were in the residence.

Agents announced, through the open doorway, for any other subjects to exit the residence, at which time one additional male subject, later identified as Alejandro Coc-Tupil, exited the residence. Agents conducted an immigration inspection and Coc-Tupil was determined to be illegally present in the United States. Officers continued to call out to the third possible subject inside the residence with no response, despite the fact that both subjects claimed an additional person was inside. Officers and Agents made entry into the house and found the third male subject hiding under the kitchen sink. Agents conducted an immigration inspection and he was determined to be illegally present in the United States.

All three subjects at the residence were placed under arrest and transported to the Rio Grande City Border Patrol Station for processing.

The immigration status and arrest of these subjects was relayed back to the agents questioning Rosa and therefore, placed Rosa under arrest for his involvement in alien smuggling. Rosa was transported to the Roma Police Station pending Border Patrol transport to the Rio Grande City Border Patrol station for processing.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-20-1697-M

RE: Benjamin Rosa

CONTINUATION:

PRINCIPAL SWORN STATEMENT:

Benjamin Rosa, a United States Citizen, was advised of his Miranda Rights, stated he understood his Rights, and agreed to provide a sworn statement without the presence of an attorney.

Benjamin Rosa claimed that he picked up a person in Roma, Texas, and later dropped him off in the middle of the road. Rosa stated that he told the person to be careful with Border Patrol and added that he didn't know if he had "papers" or not. Rosa later admitted to picking up two (2) people because they "were in need of help." Rosa eventually drove to the Gran Mercado where he was encountered by law enforcement.

MATERIAL WITNESS STATEMENT 1:

Junior Alexander Mendez-Lopez, a citizen and national of Guatemala, was read his Miranda Rights. He understood and agreed to provide a sworn statement without the presence of an attorney.

Junior Alexander Mendez-Lopez claimed his brother coordinated his smuggling arrangements which totaled \$7,500, of which \$2,000 was paid in advance. Mendez stated he crossed the Rio Grande River on a raft with three (3) others. Mendez was later transported by an adult male in a black truck with four (4) doors, to a house where he stayed for a couple of days. Mendez was picked up today (08/31/20) by the same black truck and driver which had transported him previously. At the time of the truck's arrival, the driver gave him instructions to board the vehicle. Mendez sat in the back seat and was transported to another house. When they arrived to the other house, the driver instructed him to get off the vehicle and knock on the door to be let in.

Mendez-Lopez identified Rosa, through a photo lineup, as the male driver who picked him up from one house and took him to another house.

MATERIAL WITNESS STATEMENT 2:

Alejandro Coc-Tupil, a citizen and national of Guatemala, was read his Miranda Rights. He understood and agreed to provide a sworn statement without the presence of an attorney.

Alejandro Coc-Tupil, claimed he made his smuggling arrangements and was to pay \$8,000 upon his arrival to his final destination in New Jersey. Coc added that he already paid \$3,500. Coc stated that he crossed the Rio Grande River with three (3) people, including one (1) guide. After crossing the river, they walked for twenty-five (25) minutes before being picked up and transported to an abandoned house. Coc claimed that they were in the abandoned house for about seven (7) days. Coc stated that they were picked up by a black truck with a male driver. Coc added that the driver of the vehicle gave them food in a bag and transported them to another house. Coc stated that when they arrived at the house, the driver informed them the door to enter the house was unlocked and provided instructions for them to enter.